



# **NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS QUARTERLY MEETING MINUTES Via Telephone Conference**

**December 6, 2019**

116 West Jones Street  
Raleigh, North Carolina, 27699

**WELCOME:** Ricky Burnett, Chairman, called the meeting to order at 10:04 am with the quorum being present. He acknowledged and welcomed all Commission Members, Tribal Leaders, Chiefs, State Officials, staff and guests.

**APPROVAL OF THE AGENDA:** Commissioner Helen Cook made a motion to approve the agenda. The motion was seconded by Commissioner Wanda Burns-Ramsey. Motion carried.

**INVOCATION:** Dorothy Yates, Vice-Chairwoman, recited the opening prayer. Commission members, community members that were suffering with illnesses and the recently deceased were remembered during the opening prayer.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was not conducted due to the meeting being held via conference call.

## **ROLL CALL:**

Coharie	Isabell Freeman-Elliott	Absent
Coharie	Lenora Locklear	Present
Cumberland County Association for Indian People	Helen Cook	Present
Cumberland County Association for Indian People	Gladys Hunt	Absent
Eastern Band of the Cherokee Nation	Sam Lambert	Present
Eastern Band of the Cherokee Nation	Marvel Welch	Present
Guilford Native American Association	Jennifer Revels-Baxter	Present
Guilford Native American Association	DeVane Burnette, Sr.	Absent
Haliwa Saponi	Jeffrey Anstead	Absent
Haliwa Saponi	Charles (Pete) Richardson	Absent
Lumbee	Larece Hunt	Present
Lumbee	Ricky Burnett	Present
Lumbee	Furnie Lambert	Present
Meherrin	Constance Mitchell	Present
Metrolina Native American Association	Walter D. Baucom	Absent
Metrolina Native American Association	Jessie Jacobs	Present
Occaneechi Band of the Saponi Nation	Tony Hayes	Present
Sappony	Dorothy Yates	Present



## ROLL CALL *(Continued)*

Triangle Native American Society	Danny Bell	Present
Waccamaw Siouan	Elton R. Jacobs	Present
Waccamaw Siouan	Michael Jacobs	Present

## STATE OFFICIALS

President Pro Tem Appointee	Daniel Locklear	Absent
Speaker of the House Appointee	Wanda Burns-Ramsey	Present
Department of Administration (DOA), Machel Sanders, Secretary		
Designee: Vacant, Deputy Secretary		Absent
Department of Commerce/ ESC, Anthony Copeland, Secretary		
Designee: George Sherrill, Chief of Staff		Present
Department of Environment Quality (DEQ), Michael Regan, Secretary		
Designee: John Nicholson, Deputy Secretary		Present
Representative: Sheila Holman, NCDEQ		
Department of Health & Human Services, Dr. Mandy Cohen, Secretary		
Designee: David Locklear, Deputy Director		Present
Department of Labor, Cherie Berry, Commissioner		
Designee: Jennifer Haigwood		Present
Department of Cultural Resources, Advisor, John Mintz - <b>Non-Voting Member</b>		Absent

## YOUTH REPRESENTATIVE

NCNAYO	Zianne Richardson - <b>Non-Voting Member</b>	Absent
NCNAYO	Brayden N Locklear (Co-Chair) - <b>Non-Voting Member</b>	Absent
NC NACOHE	Joshua L Richardson - <b>Non-Voting Member</b>	Absent

## STAFF PRESENT

Gregory Richardson, Executive Director  
Daphne Pinto, Administrative Secretary  
Kimberly Hammonds, Program Director, Economic Development Program &  
    Supporting Undergraduate Native Students Program  
Pamela Brewington, Program Director, Low Income Energy Assistance Program  
Maria Richardson, Housing Inspector, Section 8 Housing Program and  
    Field staff, Workforce Innovation Opportunity Act Program  
Candace Lowry, Program Director, Workforce Innovation Opportunity Act Program  
Tenley (Nikki) Locklear, Program Director, Domestic Violence & Sexual Assault Program

## OTHER STATE OFFICIALS PRESENT

Mark Teague, Attorney, NC Department of Justice

**OTHERS PRESENT:** List (Sign-in sheet) is on file with the Commission.

**ETHICS STATEMENT:** Mr. Greg Richardson, Executive Director, read the Ethics Statement on behalf of Chairman Burnett. He urged Commission Members to declare any conflict of interest, or appearance of conflict of interest that may exist in relation to any business matters before the Commission, as



mandated by the State Ethics Act. Commissioner Larece Hunt recused himself from business associated with the Tuscarora Nation of North Carolina.

**APPROVAL OF September 20, 2019, MEETING MINUTES:** The minutes of the September 20, 2019, were presented. Commissioner Tony Hayes made a motion to approve the minutes. The motion was seconded by Commissioner Wanda Burns-Ramsey. Motion carried.

**EXECUTIVE DIRECTOR'S REPORT:** Mr. Greg Richardson, Executive Director, NC Commission of Indian Affairs, presented this item.

- Discussed in brief plans for the 2020 NC Indian Unity Conference and potential speakers required. Mr. Richardson gave an overview of the workshop proposals received for the conference.
- It was noted that Deputy Secretary Christy Agner has accepted another position in Governor Cooper's office and will be working with the Governor's "Hometown Strong" initiative.
- Discussed the funding allocation for State Recognition Program, noted that funding is very tight for this project and that staff reduction is eminent.
- Discussed the NC American Indian (NCAI) Fund Scholarship. Mr. Richardson expressed the need to advocate the sale of the American Indian license plate since the proceeds go towards the NCAI scholarship fund.

The Executive Director's Report is attached (**Attachment 1**) and is an official part of the minutes.

**COMMENTS FROM THE COMMISSION:**

- Mr. David Locklear, Deputy Director, Department of Health & Human Services, requested information on the Indian Unity Conference workshop proposals.

**FLOWER FUND REPORT:** Ms. Wanda Burns-Ramsey, Secretary/ Treasurer, presented this item.

- The flower fund report was included in the Board packet and is on file with the Commission.

**COMMITTEE REPORTS:** Chairman Burnett announced that only the action items should be reported by Committee Chairs, during the meeting.

**Adhoc Indian Health:** No report was noted.

**Adhoc Land Trust:** No report was noted.

**Veterans:** It was noted that the 2020 Veteran Award, nominations are due to Commissioner Lambert, by December 31st.

- Commissioner Lambert noted that funds are available to cover 12 plaques and that all he needs at this time is the names, service dates etc., of the veterans to be recognized. He indicated that he has a vendor who will develop the plaques. It was suggested that the names be submitted to Mr. Greg Richardson by January 15, 2020 and that only one name would be considered for each tribe and association.
- Veteran Award ceremony will be held on March 13, 2020, during the awards and recognition banquet at the NC Indian Unity Conference.
- Commissioner Lambert expressed concerns regarding funding for 2021 Veteran Award. He is looking for a sponsor. Mr. Greg Richardson stated that Commissioner Hayes located funding sponsors for 2019 and 2020 Veteran Awards. The balance of funds available (approximately



\$600) will go towards funding the 2020 plaques. The funding is held by United Tribes of North Carolina.

**Culture Resources:** No report was noted

**Employment and Training:** Commissioner Wanda Burns Ramsey recommended the following:

- The Committee voted the importance of the Tribal Enrollment Cards. WIOA Program cannot help students who do not have enrollment cards.
- It was expressed that the Workforce Development Program mandates this requirement.
- Motion to have Commission members meet with their Tribe and Organization to address the need for Tribal Cards in order to have the WIOA eligibility.
- Chairman Burnett noted that coming from the Committee required no second. Motion carried.
- Commissioner Marvel Welch abstained from the vote.

**Environment Justice:** No report was noted

**Indian Child Welfare:** Chair Welch announced that the Indian Child Welfare Gathering is scheduled for April 23, 2020, UNC Asheville.

**Indian Education:** Chair Yates announced that there will be four slots open end of June 2020, for the SACIE representatives and that their terms will end June 30, 2020. They were discussed as follows:

- Gwen Jones Dodge; Guilford Native; Parent rep; End of 2<sup>nd</sup> Term (cannot be reappointed).
- Dr. Connie Locklear; Lumbee; Title VI Director; educator; End of 2<sup>nd</sup> Term (cannot be reappointed).
- Tiffany Pearson; Lumbee; Educator; End of 2<sup>nd</sup> Term (cannot be reappointed).
- Angela Richardson; Haliwa-Saponi; Educator; End of 1<sup>st</sup> Term (can be reappointed)
- It was noted that the Applications are due by February 1, 2020.
- Chair Yates announced that the SACIE Summit is on January 28, 2020 (10:00 a.m.-4:00 p.m.). At the Laughlin Professional Development Center in Greensboro, NC. She expressed the theme for the Summit "Strengthening Educational Equity Through District and Tribal Consultation and Meaningful Collaboration".

#### COMMENTS FROM THE COMMISSION:

- It was suggested that due to the timings and changes the Commission would authorize the Indian Education Committee to send a letter stating the SACIE nominations to the State Board of Education, Department of Instruction (DPI) prior to the March Commission meeting.
- Commissioner Furnie Lambert made a motion to approve the above. The motion was seconded by Commissioner Larece Hunt. Motion carried.

The Indian Education Committee presentation is attached (**Attachment 2**) and is an official part of the minutes.

**Indian Housing:** No report was noted.

**Legislative:** Chair Welch informed that the Committee is working on the request for additional funding for the following: (1) Assistant Director Position, NC Commission of Indian Affairs; (2) Funding for the State Recognition Program.

- Chairman Burnett noted that coming from the Committee required no second. Motion carried.

**Recognition:** Chair Hunt provided a brief description on the status. The Committee is providing technical assistance to two potential petitioning groups: - (1) Cherokee Indians of Hoke and surrounding Counties; (2) Roanoke-Hatteras Indian Tribe. Both groups have incomplete documentation and are working on submitting additional documentation.



Mr. Mark Teague, Attorney, Department of Justice provided a brief update on the Tuscarora Nation of North Carolina (TNNC):

- The Commission denied the Tuscarora Nation of North Carolina (TNNC) petition for State Recognition as an American Indian tribe at the Sept. 20, 2019, meeting
- The decision of State Agency is an administrative action and as contemplated in the Commission's rules and according to the North Carolina law, a petitioner can appeal to the denial of tribal recognition to the Office of Admin Hearings (OAH).
- The Tuscarora Nation of North Carolina (TNNC) had 60 days following receipt of notice of agency action to petition for a contested case hearing at OAH.
- End of October 2019, the Tuscarora Nation of North Carolina (TNNC) filed its petition for contested case hearing with OAH. This filing started the process at OAH. Each party then had 30 days to respond with/ extend the filings.
- Office of Admin Hearings (OAH) sent out a calendar notice.
- The OAH process is a hearing before a single Administrative Law Judge (ALJ). This is not a jury trial. Witnesses are called and then based on filings and testimony ALJ renders decisions. Either party or the losing party can then appeal the decision to Superior Court.
- Both sides will prepare their prehearing statements (basic document on issues about their case). They designate potential witnesses.
- It was noted that on behalf of the Commission, DOJ has filed a prehearing statement before Thanksgiving. This past Monday, TNNC has filed their prehearing statement.
- TNNC has requested an extension on the hearing. The hearing was initially scheduled in February 2020, then moved to March 30, 2020. DOJ had a conflict, they requested an extension until April 27, 2020.
- TNNC had no objection, however the ALJ sent out a note that the hearing is on the week of March 23, 2020.
- Mr. Teague informed members that between now and March 23<sup>rd</sup> each side will engage in discovery where they will explore the issues and ask the other side questions. This process is on-going.
- It was noted, that in the last 24 hours DOJ received a message that the case has been reassigned to another Administrative Law Judge. The hearing is scheduled to be heard by Judge Don Overby.

#### **COMMENTS FROM THE COMMISSION:**

- Question was asked why the date was changed. It was noted that the initial date was changed because TNNC requested an extension.
- Mr. Teague expressed that OAH has guidelines on how quickly they dispose cases. They try to adhere to the guidelines in meeting these dates and honor the request of the petitioner to allow more time and extend the discovery and date for hearings.
- Questions was asked, can members be called to appear during the week of March 23, 2020?
- It was noted that yes, if member is subpoenaed to testify, Commission member must honor. All are potential witnesses.
- Questions was asked by what date will members hear from the OAH.
- The OAH will notify 15 days prior to the hearing.
- If TNNC request to subpoena a member, they should do so 30-days prior to ensure the witness schedule this in.
- Copies regarding the case must be addressed to the Commission of Indian Affairs.
- Mr. Teague informed members not to broadcast information on Social Media or send copies to anyone or make any comment about this case. This will avoid litigation.
- Commission Members requested electronic copies of this case.




## INFORMATION

**Tribal Announcements from Commission Members:** Commission members announced their upcoming events.

**FUTURE MEETING DATES & EVENTS:** The meeting dates were listed on the agenda.

## ADJOURNMENT:

With there being no further items to discuss, a motion to adjourn the meeting was made by Commissioner Elton Ray Jacobs. The motion was seconded by Commissioner Furnie Lambert. Motion carried. The meeting adjourned at 11:20 a.m. The next Commission meeting is scheduled for March 12, 2020, North Raleigh Hilton, Raleigh, NC.

 3/24/2020

Wanda Burns-Ramsey, Secretary-Treasurer  
NC Commission of Indian Affairs  
(Sign & Date)

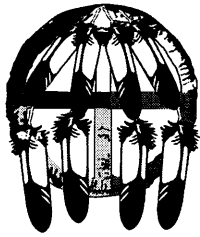
 3-12-20

Daphne Pinto, Recording Secretary  
(Sign & Date)

*These minutes were approved by the North Carolina Commission of Indian Affairs on March 12, 2020.*

 3/24/2020

Wanda Burns-Ramsey, Secretary-Treasurer  
NC Commission of Indian Affairs  
(Sign & Date)



# N.C. COMMISSION OF INDIAN AFFAIRS

## QUARTERLY COMMISSION MEETING

### Telephone Conference Meeting

December 6, 2019  
**DRAFT AGENDA**

<b>Opening Session</b>	<b>10:00am</b>
Call to Order & Adopt Agenda	Ricky Burnett, Chairman
Invocation	Dorothy Yates, Commission Member
Pledge of Allegiance	Furnie Lambert, Commission Member
Roll Call	Daphne Pinto, Administrative Assistant
Ethics Statement	Greg Richardson, Executive Director
Approval of September 20, 2019, Meeting Minutes	Ricky Burnett, Chairman
<b>Executive Director Report</b>	
<ul style="list-style-type: none"> <li>Executive Director's Report Quarterly Program Reports (copies included in packet)</li> </ul>	Greg Richardson, Executive Director
<ul style="list-style-type: none"> <li>Flower Fund Report</li> </ul>	Wanda Burns-Ramsey, Secretary/Treasurer

<b>Committee Reports – Only Reports with Action Items will be addressed.</b>	
Adhoc Indian Health	Charles Richardson, Chair
Adhoc Land Trust	Furnie Lambert, Chair
Veterans <ul style="list-style-type: none"> <li>Nominations - Veteran Awards for 2020 Indian Unity Conference – Discussion</li> </ul>	Sam Lambert, Chair
Cultural Resources	Jeffrey Anstead, Chair
Employment & Training	Wanda Burns-Ramsey, Chair
Environmental Justice	Jeffrey Anstead, Chair
Indian Child Welfare <ul style="list-style-type: none"> <li>2020 Indian Child Welfare Gathering – Discussion</li> </ul>	Marvel Welch, Chair
Indian Education	Dorothy Yates, Chair
Indian Housing	Elton Ray Jacobs, Chair
Legislative	Marvel Welch, Chair

<b>Recognition</b> <ul style="list-style-type: none"> <li>• Status report on Tuscarora.</li> <li>• Filing with Office of Administrative Hearing (OAH)</li> <li>• Report on outstanding Letters of Intent to apply for State Recognition</li> </ul>	Larece Hunt, Chair/ Mark Teague, Attorney, NC Department of Justice
<b>Announcements from Commission Members</b>	<b>(2 Minutes Only)</b>

<b>Adjournment</b>	<b>1:00pm</b>
<b>2020 Future Meeting Dates &amp; Events</b>	<b>Location</b>
<b>March 12, 2020</b> – Commission Meeting to be held in conjunction with the NC Indian Unity Conference	Hilton North Raleigh, NC
<b>March 12-14, 2020</b> – 45 <sup>th</sup> Annual NC Indian Unity Conference	Hilton North Raleigh, NC
<b>June 5, 2020</b> – Commission Meeting	
<b>September 4, 2020</b> – Commission Meeting	Location, TBD
<b>December 4, 2020</b> – Commission Meeting	Location, TBD
	Location, TBD

